

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License
to Conduct Gambling Activities of:

Garrett T. Shelton
Lynnwood, Washington,
Licensee.

NO. CR 2013-01963

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Garrett T. Shelton license number 68-25247, authorizing Card Room Employee activity, formerly at Club Hollywood in Shoreline.

The Commission issued this license, which expires on June 3, 2014, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

SUMMARY:

Garrett T. Shelton, while employed as a Floor Supervisor at Club Hollywood Casino, cheated while drawing a winner for the card room's promotional contest of chance drawing. Mr. Shelton placed a drawing entry for his ex-girlfriend into his pocket, later removed the slip of paper, and announced her as the winner of the drawing.

FACTS:

1) On October 11, 2013, a Washington State Gambling Commission Special Agent (agent) received an e-mail message from Todd Marshall, General Manager at Club Hollywood Casino in Shoreline. In the e-mail message, Mr. Marshall mentioned a possible cheating incident involving their Fall Festival of Cash Giveaway, a promotional contest of chance. The agent requested that Mr. Marshall secure all of the surveillance footage of the incident and scheduled a time on October 14, 2013 to discuss the incident.

2) "Washington Gold's \$140,000 Fall Festival of Cash Giveaway" promotion began September 15, 2013, and ran until October 25, 2013. The promotional contest of chance was a drawing that took place on Thursdays between 19:00 and 01:30 hours. Guests earned one entry upon activating their Members Reward Card and three additional entries with every hour in the building.

During the drawing, the floor supervisor would log in to the Sonoma Player Tracking system, which keeps track of the amount of hours each player gambles, and print the appropriate number of drawing tickets for each player. The printer that printed the tickets was on the pit podium and viewed by the surveillance system. After printing the tickets, the floor supervisor was to place the tickets inside the drawing barrel.

3) On October 14, 2013, the agent met with Mr. Marshall at Club Hollywood Casino and reviewed the surveillance tapes of the October 10, 2013 incident. At 23:18, the surveillance footage showed Floor Supervisor Garrett Shelton print drawing entry slips for the promotional contest of chance scheduled to take place at 23:30. Multiple drawing slips printed out of the machine, and Mr. Shelton held them in his left hand. Mr. Shelton took one of the drawing entry forms and hid it in his left hand. Mr. Shelton took the rest of the tickets and placed them in the drawing barrel. Mr. Shelton began to roll down his left shirtsleeve as he approached the pit podium. At 23:19:17, while standing at the pit podium, Mr. Shelton opened his hand and revealed the white slip of paper. He began to look at it but Rick Rivera, Shift Supervisor, approached him so he placed the paper into his pants pocket, where it remained until the drawing.

4) At 23:29, Mr. Shelton approached the drawing barrel and removed his hand from his pocket with a closed fist. He placed his hand into the barrel. Mr. Shelton moved his hand around inside the barrel and then raised his hand to display the winning drawing slip. Mr. Shelton looked at the ticket, then approached Mr. Rivera, and handed him the ticket. Mr. Rivera announced the winner of the drawing was Tawnya Young, the ex-girlfriend of Mr. Shelton, a previous dealer at Club Hollywood Casino, and a current dealer at Goldie's Casino in Shoreline.

5) According to a written statement by Mr. Rivera, when Mr. Shelton approached him with Ms. Young's crumpled up ticket he said, "You announce the name. I don't want to get in trouble." In his statement, Mr. Rivera wrote about how stressed out Mr. Shelton appeared on October 10, 2103. He said Mr. Shelton was worried about Ms. Young because she had begun to gamble again after quitting a few months before. Mr. Rivera mentioned in his statement that he thought it was suspicious for Ms. Young to win the drawing as she only had two or three entries for the week.

6) After reviewing the tapes, Mr. Marshall told the agent that Mr. Shelton was scheduled to work later that afternoon, and he would be terminating him when he arrived. After Mr. Shelton arrived at the card room, he was immediately escorted into Mr. Marshall's office.

7) Mr. Marshall and the agent were waiting for him in the office. Mr. Marshall asked him to have a seat. Mr. Shelton appeared very nervous. Mr. Marshall told him they wanted to talk about what happened on October 10, 2013. Mr. Shelton acted confused and told them he didn't know what Mr. Marshall was talking about. The agent reminded Mr. Shelton that he had a gambling license and was therefore held to the highest possible standard of integrity for gambling-related incidents. The agent gave him a chance to tell the truth. He said, "this must be about my psychotic ex girlfriend (referring to Ms. Young). I was actually going to talk to you (Mr. Marshall) today about barring her from the casino." He raised his voice and said, "It's very stressful for me when she is here! I don't want her here." Mr. Shelton proceeded to tell Mr.

Marshall and the agent how distracted and bothered he was to have Ms. Young in the casino while he was working. He expressed what appeared to be a lot of anger toward Ms. Young, but then a few moments later he talked about how she came to the casino that night to try and get back together with him. He told them he left a few hours early that night to go to dinner with her after his shift.

8) The agent asked Mr. Shelton if anything happened that night that he wanted to tell them about. He said, "no" and then said, "Yeah, I gave her \$100 in the smoking area. I owed her money from a long time ago. I know that was wrong. I'm not supposed to give customers money when I'm working." Mr. Shelton denied any knowledge of problems surrounding the promotional contest of chance drawing. Mr. Marshall told Mr. Shelton that he had the surveillance tape of the incident and the agent asked Mr. Shelton to watch as they played the tape of the incident.

9) Mr. Shelton denied having anything in his hand, then he said he didn't know what the small white piece of paper was in his hand. After watching the entire incident, Mr. Shelton appeared angry, and he began to raise his voice, he said, "I was doing the exact opposite. I took one of her tickets so she wouldn't win. I didn't want her to win. She didn't deserve to win." Mr. Shelton said he dropped her ticket back into the bin and mixed it up. He said, "I must have selected her ticket because it had been in my pocket and it was all wrinkled up, which would make it easier to select." Mr. Marshall told him it was very clear on the video that he had Ms. Young's ticket in his hand when he put his closed fist into the bin and pulled out Ms. Young's ticket.

10) Mr. Marshall asked Mr. Shelton to sign and date the termination paperwork. Mr. Shelton refused at first but then signed the form and handed over his badge and nametag. The agent escorted Mr. Shelton thru the card room floor and out of the casino. The agent informed him that he was going to be barred from the card room and that the agent would be speaking with Ms. Young about what took place.

11) On October 14, 2013, the agent returned to the card room and interviewed Ms. Young. The agent asked her if she had been at Club Hollywood Casino on October 10, 2013. She confirmed that she had and she said, "I was really drunk and I lost a lot of money." The agent asked her if her name was selected during the promotional contest of chance drawing. She said, "Actually, yes, it was. I didn't even know I was entered into the drawing." The agent asked her if she thought it was strange that there were over 5,000 entries into the drawing but she had arrived right before the drawing and only had three entries, but her ex-boyfriend selected her name. She told the agent she was surprised that she won, but she did not give it much thought. Ms. Young told the agent she wasn't involved in any way. Ms. Young confirmed that Mr. Shelton gave her \$100 in the smoking area that evening, and she said, "I think he was trying to impress me, or keep in the casino longer. I had lost a bunch of money, including the \$200 I won in the drawing."

12) On October 21, 2013, the agent asked Mr. Marshall to provide a written statement about what he observed during the interview with Mr. Shelton on October 14, 2013. In his statement, Mr. Marshall discussed Mr. Shelton's unusual behavior during the interview.

He also wrote about Mr. Shelton admitting to placing Ms. Young's drawing entry slip into his pocket and how uncomfortable he was with Ms. Young being in the casino while he was working.

VIOLATIONS

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, certified employee, or anyone holding a substantial interest in the applicant's or certified employee's business or organization: (The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

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3) RCW 9.46.1961 Cheating in the First Degree

(The following subsections apply.)

- (1) A person is guilty of cheating in the first degree if he or she engages in cheating¹ and:
- (b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.
- (2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section, the court may impose an additional penalty of up to twenty thousand dollars.

4) RCW 9.46.190 Violations Related to Fraud or Deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

- (1) Employs any device, scheme, or artifice to defraud; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person; Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

5) RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

On October 10, 2013, Garrett T. Shelton printed a drawing entry ticket for his ex-girlfriend, but he put the ticket in his pocket instead of placing it into the drawing barrel. Mr. Shelton later went to the barrel and acted as though he was going to draw a random ticket to determine the winner. He removed the ticket from his pocket and placed his hand into the barrel to give it the appearance of pulling out a random ticket, in violation of RCW 9.46.190 and RCW 9.46.1961. Mr. Shelton has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Garrett T. Shelton's license based on RCW 9.46.075(1), and (8), and WAC 230-03-085(1), (3), and (8).

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¹ **RCW 9.46.196 Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

III. *g* and α_s from $\tau \rightarrow \mu \nu_\tau \gamma$ decays

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission within 23 days from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.


DAVID TRUJILLO, DIRECTOR

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 5 day of December, 2013

Margaret Pretell